

REMARKS

Entry of the foregoing amendments is respectfully requested.

Summary of Amendments

By the foregoing amendments claims 3 and 5-20 are cancelled and claims 21-40 are added, whereby claims 21-40 will be pending, with claims 21, 39 and 40 being independent claims.

Support for the new claims can be found throughout the present specification and in particular, the original claims and pages 36 and 37 of the specification. Applicants note that the term "impregnation solution" has been replaced by the term "impregnation liquid" because the impregnation liquid is not necessarily a solution. For example, it may be an emulsion.

Applicants emphasize that the cancellation of claims 3 and 5-20 is without prejudice or disclaimer, and Applicants expressly reserve the right to prosecute the cancelled claims in one or more continuation and/or divisional applications.

Summary of Office Action

Applicants note that the Restriction Requirement is made final and (cancelled) process claims 19 and 20 have been withdrawn from consideration.

Applicants further note that the rejections set forth in the previous Office Action are not repeated in the present Office Action.

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Claims 3 and 5-18 are newly rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 4,818,594 to Albien et al. (hereafter "ALBIEN").

Response to Office Action

Reconsideration and withdrawal of the rejections of record are respectfully requested in view of the foregoing amendments and the following remarks.

Response to Rejection of Claims under 35 U.S.C. § 103(a)

Claims 3 and 5-18 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over ALBIEN. The rejection alleges that ALBIEN teaches a consolidated water and oil wipe fabric prepared by a process comprising consolidating the nonwoven by means of water jets and during or immediately after this water-jet consolidation a wetting agent is applied. The rejection further alleges that ALBIEN teaches the water-jet consolidation entangles and post-stretches the spun fibers and/or filaments within the nonwoven fabric producing additional surface active surface for the absorption of water and/or substances with oleophilic and/or lipophilic properties such as, e.g., oils, such as mineral oils or silicone oils, fats or their mixtures. The Examiner concedes that several of the features recited in the rejected claims are not taught by ALBIEN, but takes the position that these features would have been obvious to one of ordinary skill in the art.

Applicants respectfully traverse this rejection. In this regard, Applicants point out that ALBIEN is non-analogous art. Specifically, while the present claims are drawn to a wipe of nonwoven material that is impregnated with a cosmetic or dermatological impregnation liquid, ALBIEN states in col. 3, lines 53-58:

The nonwoven fabrics according to the invention can be used as roll goods or cut in measured pieces for cleaning purposes in industrial or nonindustrial applications; it is important that both water and substances with oleophilic and/or lipophilic properties can be absorbed by the nonwoven fabrics.

Emphasis added. Further, in col. 2, lines 41-47, ALBIEN lists a first preferred type of mandatory wetting agents, stating that these preferred wetting agents “address special problems, for example in the treatment of metals, where anticorrosive protection and rapid drying are important.” ALBIEN also implies that these preferred wetting agents are harmful to the skin. In this regard, it is noted that the second type of preferred wetting agents according to ALBIEN, listed in col. 2, lines 48-51 thereof, is stated to “offer the advantage that they are biodegradable and tolerant (harmless) to the skin”, implying that the first type of preferred wetting agents is not harmless (i.e., harmful) to the skin.

Still further, in col. 2, lines 25 to 29 of ALBIEN it is stated that the preferred nonwoven fabrics “can be dried at high temperatures, e.g., decidedly above 150° C, and are usable even at such high temperatures for the absorption of water and substances with oleophilic and/or lipophilic properties”.

Applicants note that one of ordinary skill in the art wishing to provide a wipe for cosmetic or dermatological purposes would not look for suggestions in the field of wipes which are to be used in industrial or nonindustrial cleaning applications such as, e.g., metal cleaning (e.g., at temperatures decidedly above 150° C). For this reason alone, ALBIEN does not render obvious the subject matter of any of the claims submitted herewith.

Further, Applicants respectfully submit that even if one were to assume, *arguendo*, that ALBIEN is not non-analogous art, there are several reasons why ALBIEN does not render obvious the claimed subject matter. For example, one of ordinary skill in the art

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would not be motivated to use a nonwoven for cosmetic or dermatological purposes which mandatorily comprises a wetting agent which is, at the very best, harmless (but not necessarily beneficial) to the skin.

Also, while the wipes of ALBIEN are reported to have a satisfactory absorption capacity for liquids, both the type of the liquids to be absorbed and the purpose of the absorption capacity according to ALBIEN are different from those according to the present invention. Specifically, the wipes of ALBIEN apparently are intended to clean articles (e.g., made of metal), i.e., to remove undesired liquids therefrom. Once the wipes of ALBIEN have absorbed the liquids to be removed, they have fulfilled their purpose and should be disposed of. In contrast, the nonwoven material of the wipes according to the present invention is not simply used to absorb some undesired liquid but on the contrary, is impregnated with a cosmetic or dermatological liquid. After this impregnation, the finished wipes are not simply disposed of, but are ready for their ultimate use, e.g., for removing undesired substances from the skin and/or for applying desirable substances to the skin.

In other words, while the liquids absorbed by the nonwoven material of ALBIEN significantly reduce the value of the nonwoven material (trash), the liquids which are used to impregnate the nonwoven material according to the present invention significantly increase the value of the nonwoven material.

Further, especially with respect to claims 33, 39 and 40 submitted herewith and the claims dependent therefrom, Applicants point out that the nonwoven material of ALBIEN is not water-jet impressed. In this regard, it is noted that some, if any, structuring of the surface of the consolidated nonwoven may be accomplished in Example 1 of ALBIEN during the application of the wetting agent "by passing the fabric over a patterned wetting

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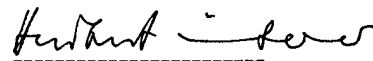
roll." Col. 4, lines 28-30. Passing the consolidated fabric over a patterned roll is clearly different from, and does not render obvious a water-jet impression of the fabric.

Applicants submit that for at least all of the foregoing reasons, ALBIEN does not render obvious the subject matter of any of the present claims. Accordingly, the rejection under 35 U.S.C. § 103(a) is unwarranted, wherefore withdrawal thereof is respectfully requested.

CONCLUSION

In view of the foregoing, it is believed that all of the claims in this application are in condition for allowance, which action is respectfully requested. If any issues yet remain which can be resolved by a telephone conference, the Examiner is respectfully invited to contact the undersigned at the telephone number below.

Respectfully submitted,
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